



#61A
1-16-3
Robertson
Election

09/845,896

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven Towle et al. Examiner: Nitin Parekh
Serial No.: 09/845,896 Group Art Unit: 2811
Filed: April 30, 2001 Docket: 884.409US1
Title: HIGH PERFORMANCE, LOW COST MICROELECTRONIC CIRCUIT
PACKAGE WITH INTERPOSER

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142 AND
PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115

Commissioner for Patents
Washington, D.C. 20231

In response to the Restriction Requirement mailed October 11, 2002, Applicant elects, without traverse, Group I (claims 1-18 and 24-30).

With respect to the Election of Species Requirement, the Applicant elects "species" A with traverse. The Applicant respectfully asserts that the Office's articulation of patentably distinct species is improper. A division of species based upon Figures is improper and should be based upon claims with a reasoned discussion of why there exists patentably distinct species, if at all (See M.P.E.P. §809.02). Evidence that the Office has not delineated a proper species restriction requirement is by its admission that "none of the claim is generic." (sic). "Where only generic claims are presented, no restriction can be required except in those applications where the generic claims recited such a multiplicity of species that an unduly extensive and burdensome search is necessary." (M.P.E.P. §809.02(d)).

Finally, the Applicant notes that Office's reference to species, hence inventions according to figures, is improper. Such reference is analogous to omnibus claims which are improper. (See M.P.E.P. §706.03(d) (referencing form paragraphs 7.30.02 or 7.103)).

IN THE CLAIMS

Please substitute the claim set in the appendix entitled Clean Version of Pending Claims for the previously pending claim set. The substitute claim set is intended to reflect cancellation of nonelected claims 19-23, amendment of claim 2, and addition of new claims 31-35. The specific amendments to individual claims are detailed in the following marked up set of claims.